

Fisher *et al.*
Appl. No. 09/394,745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dane K. Fisher et al.

Appl. No.: 09/394,745

Filed: September 15, 1999

For: **Nucleic Acid Molecules and Other
Molecules Associated With Plants**

Examiner: Y. Kim

Atty. Docket: 38-21(15454)B

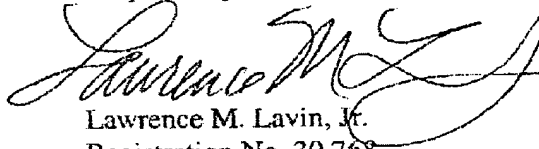
Letter

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to your telephone call of November 28, 2001, enclosed is a copy of the response filed by facsimile on July 3, 2001 to the Office Action of May 21, 2001. Since the undersigned is not aware of any further correspondence in this case, it is believed that this response was complete with regard to both the May 21, 2001 action, as well as the April 17, 2001 action and that this case has not been abandoned by a failure to respond. Please contact the undersigned if there are any questions.

Respectfully submitted,



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09/13/01 11:21 FAX 16175511960

CEREON GENOMICS

003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Fisher *et al.*

Appl. No. 09/394,745

Filed: September 15, 1999

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1631

Examiner: S. Siu

Atty. Docket : 38-21(15454)B

Reply to Detailed Action

Assistant Commissioner for Patents

Washington, DC 20231

Sir :

Responsive to the Office communication dated May 21, 2001 setting a one month or thirty day period to supply the omission or correction, Applicant submits herewith (i) a petition for a one (1) month extension of time to reply and (ii) the following detailed response.

Applicant traverses the Patent Office position that the reply filed on April 17, 2001 was not fully responsive. In that reply to a Restriction Requirement, Applicant elected with traverse Group 1, i.e. Claims 8-10 each of which is characterized by the same Markush group of 498 nucleotide sequences. In particular response to the further

Certificate of Facsimile Transmission

I hereby certify that this communication (with a petition for extension of time and fee transmittal) is being facsimile transmitted to the United States Patent and Trademark Office, Art Unit 1631, Fax No: 703-589-0394 on July 3, 2001.

Connie M. Caron
Connie M. Caron, Reg. No. P-48,131

09/13/01 11:21 FAX 16175511960

CEREON GENOMICS

004

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requirement that "If Group I is selected, Applicants are required to select one combination for examination," Applicant expressly stated, "To the extent that this is not intended to be a further restriction requirement, but merely an election of species for examination, applicant elects the first 100 sequences in the Markush group."

Applicant respectfully submits that there can be no confusion by what is meant by the first 100 sequences of the Markush group. Regardless, those 100 sequences of the Markush group selected as species for examination are:

SEQ ID NO: 5776, SEQ ID NO: 5781, SEQ ID NO: 5782, SEQ ID NO: 5783,
SEQ ID NO: 5785, SEQ ID NO: 5787, SEQ ID NO: 5800, SEQ ID NO: 5804,
SEQ ID NO: 5815, SEQ ID NO: 5818, SEQ ID NO: 5821, SEQ ID NO: 5823,
SEQ ID NO: 5828, SEQ ID NO: 5830, SEQ ID NO: 5832, SEQ ID NO: 5836,
SEQ ID NO: 5838, SEQ ID NO: 5840, SEQ ID NO: 5845, SEQ ID NO: 5849,
SEQ ID NO: 5850, SEQ ID NO: 5851, SEQ ID NO: 5856, SEQ ID NO: 5859,
SEQ ID NO: 5863, SEQ ID NO: 5868, SEQ ID NO: 5871, SEQ ID NO: 5874,
SEQ ID NO: 5875, SEQ ID NO: 5877, SEQ ID NO: 5893, SEQ ID NO: 5896,
SEQ ID NO: 5901, SEQ ID NO: 5908, SEQ ID NO: 5909, SEQ ID NO: 5920,
SEQ ID NO: 5922, SEQ ID NO: 5926, SEQ ID NO: 5928, SEQ ID NO: 5929,
SEQ ID NO: 5931, SEQ ID NO: 5936, SEQ ID NO: 5937, SEQ ID NO: 5939,
SEQ ID NO: 5941, SEQ ID NO: 5944, SEQ ID NO: 5945, SEQ ID NO: 5950,
SEQ ID NO: 5955, SEQ ID NO: 5960, SEQ ID NO: 5961, SEQ ID NO: 5963,
SEQ ID NO: 5964, SEQ ID NO: 5968, SEQ ID NO: 5973, SEQ ID NO: 5974,
SEQ ID NO: 5991, SEQ ID NO: 5994, SEQ ID NO: 5999, SEQ ID NO: 6000,
SEQ ID NO: 6001, SEQ ID NO: 6005, SEQ ID NO: 6006, SEQ ID NO: 6007,

09/13/01 11:22 FAX 16175511980

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005

Fisher *et al.*
Appl. No. 09/394,745

SEQ ID NO: 6011, SEQ ID NO: 6017, SEQ ID NO: 6018, SEQ ID NO: 6022,
SEQ ID NO: 6023, SEQ ID NO: 6026, SEQ ID NO: 6030, SEQ ID NO: 6033,
SEQ ID NO: 6042, SEQ ID NO: 6046, SEQ ID NO: 6059, SEQ ID NO: 6063,
SEQ ID NO: 6065, SEQ ID NO: 6066, SEQ ID NO: 6089, SEQ ID NO: 6091,
SEQ ID NO: 6098, SEQ ID NO: 6106, SEQ ID NO: 6107, SEQ ID NO: 6110,
SEQ ID NO: 6117, SEQ ID NO: 6121, SEQ ID NO: 6124, SEQ ID NO: 6131,
SEQ ID NO: 6137, SEQ ID NO: 6141, SEQ ID NO: 6144, SEQ ID NO: 6145,
SEQ ID NO: 6147, SEQ ID NO: 6154, SEQ ID NO: 6167, SEQ ID NO: 6168,
SEQ ID NO: 6170, SEQ ID NO: 6173, SEQ ID NO: 6178 and SEQ ID NO: 6181.

If the examiner has any questions regarding this application, the Examiner is encouraged to contact applicant's undersigned representative.

Respectfully submitted,

Connie M Caron

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